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Superior Court of California  
County of Los Angeles

JUN 22 2018

Sherri R. Carter, Executive Officer/Clerk

By: CARMEN DEL RIO, Deputy

1 Timothy D. Reuben [State Bar #94312]  
Stephen L. Raucher [State Bar #162795]  
2 Hana S. Kim [State Bar #313178]  
**REUBEN RAUCHER & BLUM**  
3 12400 Wilshire Boulevard, Suite 800  
Los Angeles, California 90025  
4 Telephone: (310) 777-1990  
Facsimile: (310) 777-1989

5 Attorneys for Petitioners/Plaintiffs Hill RHF Housing Partners, L.P.  
6 and Olive RHF Housing Partners, L.P.

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 HILL RHF HOUSING PARTNERS, L.P., a  
12 California limited partnership; OLIVE RHF  
HOUSING PARTNERS, L.P., a California limited  
13 partnership,

14 Petitioners/Plaintiffs,

15 vs.

16 CITY OF LOS ANGELES; DOWNTOWN  
CENTER BUSINESS IMPROVEMENT  
17 DISTRICT, a special assessment district in the  
City of Los Angeles; DOWNTOWN CENTER  
18 BUSINESS IMPROVEMENT DISTRICT  
MANAGEMENT CORPORATION, a California  
19 nonprofit corporation; and DOES 1 through 10,  
inclusive,

20 Respondents/Defendants  
21

Case No. BS170127

[Assigned to Hon. Amy D. Hogue, Dept. 86;  
Related to Case No. BS170352]

**PETITIONERS'/PLAINTIFFS' EX PARTE  
APPLICATION TO EXTEND BRIEFING  
PAGE LIMITS.**

Date: June 22, 2018

Time: 8:30 a.m.

Place: Dept. 86

Complaint Filed: July 3, 2017

Trial Date: September 19, 2018

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on June 22, 2018 at 8:30 a.m., or as soon thereafter as the  
3 matter may be heard, in Department 86 of the above-entitled Court, located at 111 N. Hill Street,  
4 Los Angeles, California 90012, Plaintiffs/Petitioners Hill RHF Housing Partners, L.P. and Olive  
5 RHF Housing Partners, L.P. (collectively, "RHF") will, and hereby do, move the Court *ex parte*  
6 pursuant to California Rule of Court 3.1113(e) for permission to file longer trial briefs than  
7 permitted by Los Angeles County Superior Court Rule 3.231(i). Specifically, RHF requests that  
8 the Court allow the following page limits: (1) 25 pages for RHF's opening brief; (2) 25 pages for  
9 Respondents' opposing briefs, each; and (3) 20 pages for RHF's reply brief.

10 The grounds on which RHF seeks the page limit increases are that the constitutional and  
11 statutory issues in this case are complex and multi-faceted and require an in-depth analysis of a  
12 dense engineer's report. The following is the contact information of Respondents' counsel:

13 Holly O. Whatley, Esq.  
14 Colantuono, Highsmith & Whatley, PC  
15 790 E. Colorado Boulevard, Suite 850  
Pasadena, California 91140  
Email: hwhatley@chwlaw.us

Daniel M. Whitley, Esq.  
Deputy City Attorney  
200 N. Main Street, Room 920  
Los Angeles, California 90004  
Email: daniel.whitley@lacity.org

16 On June 20, 2018, at approximately 6:13 p.m., counsel for RHF gave *ex parte* notice to  
17 Deputy City Attorney, Daniel M. Whitley, counsel for Respondent the City of Los Angeles, and  
18 counsel for the Downtown Center Business Improvement District Management Corporation  
19 ("DCBID"), Holly O. Whatley, via letter. (Ex. 3 to Kim Decl.). Counsel for DCBID responded  
20 and advised that DCBID would not oppose this *ex parte* application. (Ex. 4 to Kim Decl.).  
21 Having spoken to counsel for the City, Counsel for DCBID also informed RHF that the City  
22 would not oppose this *ex parte* application. (Kim Decl. at ¶5).

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1 This *ex parte* application is based upon this Notice, the Memorandum of Points and  
2 Authorities filed herewith, the Declaration of Hana S. Kim, and upon such other evidence as may  
3 be presented to the Court at the time of the hearing on this application.  
4

5 DATED: June 21, 2018

REUBEN RAUCHER & BLUM

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7 By:  \_\_\_\_\_  
8 Hana S. Kim  
9 Attorneys for Petitioners/Plaintiffs  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Pursuant to California Rule of Court 3.1113(e), Plaintiffs/Petitioners Hill RHF Housing  
5 Partners, L.P. and Olive RHF Housing Partners, L.P. (collectively, "RHF") hereby submit the  
6 following Memorandum of Points and Authorities in support of their *ex parte* request for the  
7 Court's permission to file longer trial briefs than permitted by Los Angeles County Superior  
8 Court Rule 3.231(i). Specifically, RHF requests that the Court allow the following page limits:  
9 (1) 25 pages for RHF's opening brief; (2) 25 pages for Respondents' opposing briefs, each; and  
10 (3) 20 pages for RHF's reply brief. These extensions are reasonable and necessary because the  
11 constitutional and statutory issues in this case are complex and multi-faceted and require an in-  
12 depth analysis of a dense engineer's report, as explained further below.<sup>1</sup>

13 **II.**

14 **BACKGROUND**

15 On July 3, 2017, RHF filed a Petition for Peremptory Writ of Mandate and Complaint for  
16 Declaratory and Injunctive Relief ("the Petition") against the City of Los Angeles ("the City"),  
17 the Downtown Center Business Improvement District, and the Downtown Center Business  
18 Improvement District Management Corporation ("DCBID" or "the District") to challenge the  
19 propriety of DCBID's special assessments, which are subject to Article XIII D and the Property  
20 and Business Improvement Law of 1994, California Streets and Highways Code, 36600 *et seq.*  
21 Broadly speaking, DCBID is required to justify the constitutionality of its assessments by  
22 ensuring that (1) its services in connection with the special assessments confer special benefits  
23 on each and every parcel assessed; and (2) the assessments are proportionate to and do not  
24 exceed the special benefits. Trial is set for September 19, 2018, and RHF's opening brief is due  
25 to be filed on Monday, June 25, 2018.

26 On June 20, 2018, RHF gave requisite *ex parte* notice to counsel for Respondent the City

27 <sup>1</sup> Concurrently with the instant request, RHF is making a similar *ex parte* request in the  
28 related case BS170352.

1 and counsel for DCBID. (Ex. 3 to Kim Decl.). RHF was advised that neither DCBD nor the  
2 City would oppose the instant ex parte request. (Kim Decl. at ¶¶4-5)

3 III.

4 ARGUMENT

5 A. The Law and Facts of This Case Are Multi-Faceted and Require Complex Analysis,  
6 Warranting Additional Pages for Comprehensive Briefing.

7 Los Angeles County Superior Court Rule 3.231(i) subjects opening briefs to a 15 page  
8 limit, opposing briefs to a 15 page limit, and reply briefs to a 10 page limit, “as set forth in  
9 California Rules of Court, rule 3.1113(d), unless the parties seek, and the court grants, an order  
10 for oversized briefs.” Rule of Court 3.1113(e) in turn provides, “a party may apply to the court  
11 *ex parte* but with written notice of the application to the other parties . . . for permission to file a  
12 longer memorandum . . . stat[ing] the reasons why the argument cannot be made within the  
13 stated limit.”

14 DCBID’s special assessments are subject to Article XIII D of the California Constitution,  
15 including Sections 2(i) (which provides the definition of “special benefit”) and 4(b) (which  
16 provides a number of substantive rules with regard to special assessments). On the statutory  
17 level, the Streets and Highways Code governs DCBID’s special assessments. The California  
18 Supreme Court’s interpretation of the constitutional provisions and analysis of Proposition 218  
19 adopting Article XIII D, in *Silicon Valley Taxpayers’ Assn., Inc. v. Santa Clara County Open*  
20 *Space Authority*, 44 Ca.4th 431 (2008), are also critical to this case. In addition to challenging  
21 DCBID and its assessments pursuant to Article XIII D and relevant Streets and Highways Code  
22 provisions, RHF also challenges DCBID’s reliance on unconstitutional January 1, 2015  
23 amendments to the Streets and Highways Code, which permit DCBID’s assessments to  
24 unconstitutionally exceed the boundaries delineated by the California Constitution, as interpreted  
25 by this state’s highest court. This case is further complicated by the fact that DCBID’s  
26 Engineer’s Report, which is key to determining whether DCBID is in compliance with the law, is  
27 dense and contains various elements (e.g., DCBID’s boundaries, services, special benefit  
28

1 analysis, general benefit analysis, and methodology of calculation) which need to be  
2 comprehensively briefed (separately discussed and analyzed and then analyzed as a whole in  
3 order to ensure constitutional compliance).

4 Accordingly, additional pages are necessary and warranted to cover all of the issues, law,  
5 and facts involved in this action. Specifically as to RHF's Reply Brief, RHF will need additional  
6 pages to address both of the City's and DCBID's separate briefs, if Respondents are filing  
7 separately. It should be noted that RHF's request is reasonable given that: (1) RHF is requesting  
8 a page limit extension for Respondents' opposing briefs as well; and (2) RHF is only requesting  
9 ten additional pages per brief. Lastly, Respondents do not oppose this application.

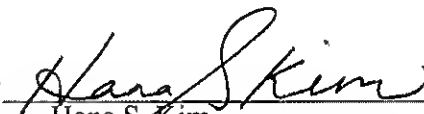
10 IV.

11 CONCLUSION

12 For the foregoing reasons, RHF respectfully requests that the Court permit longer briefs.

13  
14 DATED: June 21, 2018

REUBEN RAUCHER & BLUM

15  
16 By:   
17 Hana S. Kim  
18 Attorneys for Petitioners/Plaintiffs  
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4. On June 21, 2018, Ms. Graham responded to my *ex parte* notice and advised that DCBID would not oppose RHF's *ex parte* request for additional pages. A true and correct copy of Ms. Graham's email is attached hereto as **Exhibit 4**.

5. On June 21, 2018, at approximately 4:25 p.m., Ms. Graham called and informed me that she had spoken with Ms. Cook earlier that day who told Ms. Graham that the City did not plan to oppose RHF's *ex parte* request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 21<sup>st</sup> day of June, 2018 at Los Angeles, California.

Hana S. Kim  
HANA S. KIM



---

**From:** Hana Kim  
**Sent:** Tuesday, June 19, 2018 5:43 PM  
**To:** 'Daniel Whitley'; 'Holly O. Whatley'  
**Cc:** Stephen Raucher  
**Subject:** RHF v. City of LA, et al.

Hi Daniel and Holly,

Would the both of you be agreeable to extending RHF's opening briefs' page limit to 20 and the reply briefs to 15? We would reciprocate the same 20 page extension for your opposing briefs. Please let me know if this is agreeable.

Best,



**Hana S. Kim**  
12400 Wilshire Boulevard, Suite 800 | Los Angeles, California 90025  
Telephone: (310) 777-1990 | Facsimile: (310) 777-1989  
[www.rrbattorneys.com](http://www.rrbattorneys.com) | [hkim@rrbattorneys.com](mailto:hkim@rrbattorneys.com)

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---

**From:** Daniel Whitley [daniel.whitley@lacity.org]  
**Sent:** Tuesday, June 19, 2018 5:43 PM  
**To:** Hana Kim  
**Subject:** Out of Office Re: RHF v. City of LA, et al.

I will be out of the office until July 3, 2018. If this matter needs immediate attention, please contact Beverly Cook at (213) 978-8500.

--

Daniel M. Whitley  
Deputy City Attorney  
Public Finance/Economic Development  
Tel: (213) 978-7786  
Fax: (213) 978-7811

\*\*\*\*\*Confidentiality Notice\*\*\*\*\*

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**From:** Hana Kim  
**Sent:** Wednesday, June 20, 2018 6:13 PM  
**To:** 'Beverly.Cook@lacity.org'; 'Daniel Whitley'; 'Pamela K. Graham'; 'Holly O. Whatley'  
**Cc:** Stephen Raucher; 'cynthia.marchena@lacity.org'  
**Subject:** RHF v. City of LA, et al., BS170352 and BS170127  
**Attachments:** 2018-06-20 Ltr to Counsel - Ex Parte Notice (00325354xC20DB).pdf; 2018-06-20 Ltr to Counsel - Ex Parte Notice (00325355xC20DB).pdf

Dear Counsel –

Please see attached my letters of today's date with regard to both of the BID actions, referred to by their case nos. above, giving you *ex parte* notice. Please advise as to whether you will oppose and/or agree to stipulate.

Best,

**RRB**

**REUBEN RAUCHER & BLUM**  
ATTORNEYS AT LAW

**Hana S. Kim**  
12400 Wilshire Boulevard, Suite 800 | Los Angeles, California 90025  
Telephone: (310) 777-1990 | Facsimile: (310) 777-1989  
[www.rrbattorneys.com](http://www.rrbattorneys.com) | [hkim@rrbattorneys.com](mailto:hkim@rrbattorneys.com)

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# RRB

**REUBEN RAUCHER & BLUM<sup>PC</sup>**  
ATTORNEYS AT LAW

12400 Wilshire Boulevard, Suite 800  
Los Angeles, California 90025  
Phone: (310) 777-1990  
Fax: (310) 777-1989  
www.rrbattorneys.com

June 20, 2018

Refer To File Number  
2035.184

**VIA EMAIL**

Holly O. Whatley, Esq.  
Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Boulevard, Suite 850  
Pasadena, California 91140

**VIA EMAIL**

Daniel M. Whitley, Esq.  
Deputy City Attorney  
200 N. Main Street, Room 920  
Los Angeles, California 90004

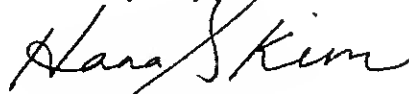
**Re: RHF v. City of Los Angeles, et al., Case No. BS170127**

Dear Ms. Whatley and Mr. Whitley:

We hereby give you notice that RHF will proceed *ex parte* on Friday, June 22, 2018, at 8:30 a.m., or as soon thereafter as the matter may be heard, in Department 86 of the Los Angeles Superior Court, located at 111 N. Hill Street, Los Angeles, California 90012.

RHF will request that the Court allow briefing page limits to be increased to 25 pages for RHF's opening brief, 25 pages for your opposing briefs, and 20 pages for RHF's reply brief. The grounds on which we seek the page limit increases are that the constitutional and statutory issues in this case are complex and multi-faceted and require an in-depth analysis of a dense engineer's report. Please advise as to whether you will oppose the application.

Very truly yours,



Hana S. Kim

HSK:mof

---

**From:** Pamela K. Graham [pgraham@chwlaw.us]  
**Sent:** Thursday, June 21, 2018 10:25 AM  
**To:** Hana Kim; Beverly.Cook@lacity.org; Daniel Whitley; Holly O. Whatley  
**Cc:** Stephen Raucher; cynthia.marchena@lacity.org  
**Subject:** RE: RHF v. City of LA, et al., BS170352 and BS170127

Hana,

DCBID and San Pedro do not oppose your request for additional pages in each of these matters. To clarify, we understand that in the DCBID matter, Petitioners will have 25 pages for their opening brief; the City will have 25 pages for its opposition; DCBID will have 25 pages for its opposition; and Petitioners will have 20 pages for their reply. The same page limits will apply in the San Pedro matter.

Thank you,  
Pamela

**Pamela K. Graham**  
*Senior Counsel*  
**Colantuono, Highsmith & Whatley, PC**  
790 E. Colorado Blvd., Suite 850 | Pasadena, CA 91101  
Direct 213-542-5702    Main 213-542-5700    Fax 213-542-5710  
pgraham@chwlaw.us    [www.chwlaw.us](http://www.chwlaw.us)

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**From:** Hana Kim [mailto:hkim@rrbattorneys.com]  
**Sent:** Wednesday, June 20, 2018 6:13 PM  
**To:** Beverly.Cook@lacity.org; Daniel Whitley <daniel.whitley@lacity.org>; Pamela K. Graham <pgraham@chwlaw.us>; Holly O. Whatley <hwhatley@chwlaw.us>  
**Cc:** Stephen Raucher <sraucher@rrbattorneys.com>; cynthia.marchena@lacity.org  
**Subject:** RHF v. City of LA, et al., BS170352 and BS170127

Dear Counsel –

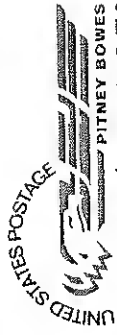
Please see attached my letters of today's date with regard to both of the BID actions, referred to by their case nos. above, giving you *ex parte* notice. Please advise as to whether you will oppose and/or agree to stipulate.

Best,

**RRB**  
**REUBEN RAUCHER & BLUM**  
ATTORNEYS AT LAW

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PITNEY BOWES

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MAILED FROM ZIP CODE 90025



**RRB**

REUBEN RAUCHER & BLUM  
ATTORNEYS AT LAW

12400 Wilshire Boulevard, Suite 800  
Los Angeles, California 90025



Michael G. Colantuono, Esq.  
Holly O. Whatley, Esq.  
Pamela K. Graham, Esq.  
Colantuono, Highsmith & Whatley, PC  
790 East Colorado Boulevard, Suite 850  
Pasadena, CA 91101

**RECEIVED**  
JUN 25 2018

BY: .....

